

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 158767

61

ORIGIN ARA-20

INFO OCT-01 ADP-00 H-03 L-03 SCA-01 JUSE-00 RSC-01 /029 R

DRAFTED BY ARA/CEN/CR:JGSULLIVAN:SLC

8/10/73 EXT 22180

APPROVED BY ARA/CEN:DLAZAR

H:WMERRY

L/SCA:KMALMBORG

ARA/L:DGANTZ

----- 059305

P 102117Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

LIMITED OFFICIAL USE STATE 158767

E.O. 11652: N/A

TAGS: PFOR, CS

SUBJECT: FOREIGN MINISTER'S QUERY ON HOUSE FOREIGN  
AFFAIRS COMMITTEE RESOLUTION RE EXTRADITION

1. FOLLOWING IS THE TEXT OF THE RELEVANT PORTION OF THE  
HOUSE COMMITTEE ON FOREIGN AFFAIRS REPORT OF JULY 20  
ON THE MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973.

BEGIN QUOTE:

ESTABLISHMENT OF REVIEW MECHANISM FOR REFUSAL OF EXTRADI-  
TION REQUEST

THE COMMITTEE IS CONCERNED THAT IN A NUMBER OF INSTANCES  
IN RECENT YEARS CERTAIN FOREIGN COUNTRIES HAVE REFUSED  
U.S. REQUESTS FOR EXTRADITION OF INDIVIDUALS CHARGED IN  
THE UNITED STATES WITH OFFENSES APPARENTLY COVERED UNDER  
VALID EXTRADITION TREATIES. WHENEVER A U.S. EXTRADITION  
REQUEST IS REFUSED BY ANOTHER COUNTRY, THE COMMITTEE BE-  
LIEVES THAT SUCH REFUSAL SHOULD BE SUBJECT TO A REVIEW  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 158767

MECHANISM ESTABLISHED BY THE EXECUTIVE BRANCH TO DETERMINE,

TO THE EXTENT FEASIBLE, WHETHER THE REFUSAL OF EXTRADITION WAS BASED ON VALID LEGAL GROUNDS. CONCLUSIONS BASED ON SUCH A REVIEW SHOULD, IN EACH INSTANCE, BE PROMPTLY REPORTED TO THE APPROPRIATE COMMITTEES OF CONGRESS.

IN ANY CASE WHERE IT IS FOUND THAT THERE WERE NO VALID LEGAL REASONS FOR NOT HONORING A U.S. EXTRADITION REQUEST, IT IS THE COMMITTEE'S OPINION THAT THE PRESIDENT SHOULD CONSIDER AN APPROPRIATE RESPONSE, INCLUDING POSSIBLE REDUCTION OR TERMINATION OF ASSISTANCE TO THE COUNTRY REFUSING EXTRADITION, AND THAT THE PRESIDENT SHOULD PROMPTLY REPORT HIS FINDINGS AND RECOMMENDATIONS IN THIS REGARD TO THE CONGRESS. END QUOTE.

2. ABOVE PORTION OF REPORT IS A "NON-LEGISLATIVE DIRECTIVE" WHICH DOES NOT HAVE THE FORCE OF LAW." TEXT COULD, OF COURSE, BE ENACTED AS LEGISLATION IF THE CONGRESS SO DESIRED; HOWEVER, MUTUAL DEVELOPMENT AND COOPERATION ACT OF 1973 HAS BEEN PASSED BY FULL HOUSE WITHOUT SUCH A PROVISION. LANGUAGE OBVIOUSLY REPRESENTS SOME CONCERN OF HOUSE COMMITTEE OVER RECENT REFUSAL OF U.S. EXTRADITION REQUESTS IN SEVERAL CASES, MOST PROMINENT OF WHICH UNDOUBTEDLY IS VESCO CASE. DEPARTMENT AND AID STUDYING COMMITTEE REPORT ON THIS POINT.

FYI: WE NOTE THAT LANGUAGE APPARENTLY INTENDED TO PROVIDE BROAD PRESIDENTIAL DISCRETION AND IN ANY EVENT SUGGESTION OF AID REDUCTION OR TERMINATION APPLICABLE ONLY WHERE THERE IS NO VALID LEGAL REASON FOR REFUSAL TO EXTRADITE. END FYI.

ROGERS

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE158767  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JGSULLIVAN:SLC  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730844/aaaabgew.tel  
**Line Count:** 93  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 18 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <18-Jan-2002 by thigpegh>; APPROVED <28 FEB 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FOREIGN MINISTER'S QUERY ON HOUSE FOREIGN AFFAIRS COMMITTEE RESOLUTION RE EXTRADITION  
**TAGS:** PFOR, CS  
**To:** SAN JOSE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005